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CENTRAL FAX CENTER****OCT 31 2006****Remark**

Applicants respectfully request reconsideration of this application. No claims have been amended. Therefore, claims 1-26 are presented for examination.

**35 U.S.C. §103 Rejection***Wugofski in view of Zigmond*

The Examiner has rejected claims 1-5, 7, 9-22 and 25 under 35 U.S.C. §103 (a) as being unpatentable over Wugofski et al., U.S. Patent No. 6,003,041 ("Wugofski") in view of Zigmond et al., U.S. Patent No. 6,698,020 ("Zigmond"). This rejection is based on extending Zigmond from automatically selecting commercials to selecting versions of a program and then modifying Wugofski with the extension of Zigmond. For the extension, the Examiner points to Col. 18, lines 29-37. The invention "extends to inserting any type of video programming or other video objects into a video programming stream. For example ad source 62 of FIG. 4 may instead be a source of any desired video programming, such as pay-per-view, subscription, special-interest television programming, video Internet broadcasts, and the like." This is combined with Column 13, lines 55-58 of Zigmond to make the combination.

Wugofski provides information and then the user is completely in charge of selecting which version of "Mad About You" ( Figure 4) to watch based on the display. In Zigmond, the commercials are chosen for the user, but the user can indicate a ratings limit so that Zigmond will select an appropriate version of a commercial.

The Examiner has put these together to suggest that Claim 1 is obvious. In this combination, a modified version of Zigmond is inserted into Wugofski. To make this

combination, the Examiner must first modify Wugofski. When Wugofski receives the user selection of a program version in response to the Figure 4 display, Wugofski does not tune to the selected program version. Instead, it triggers the modified Zigmond intelligent selection engine. This changes the basic purpose of Wugofski. So as to avoid user frustration, the displays and the selection features must be modified so that the user does not select a program version as shown in Figure 4, but instead selects only a program as recited in Claim 1.

To make this combination, the Examiner must also modify Zigmond to respond to a user request for a specific program instead of responding to the ad trigger 70. Zigmond is converted from a run-time process filtering downloaded ads during a program to a program selection process using the EPG before the show begins. However, rather than select the show as is done with the ads, Zigmond only selects the version of the user-selected program with the appropriate rating. The ad selection criteria 83 is converted into EPG ratings data. However, to work with Wugofski, the selection is not based on the rating (not supported in Wugofski) but on the Figure 4 source, DBS, ANT, CABLE. These modifications go well beyond the teachings of Zigmond. Briefly, Zigmond teaches the ratings limit criterion as an enhancement to the intelligent ad selection, not as a separable component.

The cited paragraph of Zigmond at Col. 18, lines 29-37 states that the invention extends to inserting video programming into a video programming stream. It does not suggest that Zigmond should be divided into pieces. A contextual reading of Col. 18, lines 29-37 would suggest that instead of intelligently selecting ads to insert into a program, Zigmond may be used to intelligently select other kinds of video to insert into

programming. This is not the same as receiving a program selection from a user and then selecting a version of that selected program.

Fundamentally, neither reference teaches or suggests, "receiving a selection of an entertainment program within the electronic programming guide from a user at the electronic device" and then "selecting one of the multiple versions for display." In *Wugofski*, the user selects the version in the initial selection step. In *Zigmond* (ignoring the difference inherent in commercials) the user does not select the program.

Accordingly, this rejection is believed to be traversed with respect to Claim 1, discussed above, as well as the other claims.

### **35 U.S.C. §103 Rejection**

#### *Wugofski, Zigmond and Rosser*

The Examiner has rejected claims 6, 8, 20, 23-24 and 26 under 35 U.S.C. §103 (a) as being unpatentable over ("Wugofski") in view of ("Zigmond"), and in further view of Rosser, U.S. Patent No. 6,446,261 ("Rosser"). This rejection relies on the *Wugofski*, *Zigmond* combination discussed above and is accordingly traversed.

### **35 U.S.C. §103 Rejection**

#### *Wugofski, in view of Goldschmidt*

The Examiner has rejected claims 1-5, 7, 9-22 and 25 under 35 U.S.C. §103 (a) as being unpatentable over ("Wugofski") in view of Goldschmidt et al., U.S. Patent No. 6,295,646 ("Goldschmidt"). The Examiner has responded that "Goldschmidt teaches the

step of displaying a program from user's preferred selection source (i.e. the characteristic) when multiple versions over the multiple selection sources are available."

Figure 7 of Goldschmidt describes creating the display of Figure 6. This display is built from preferred sources but there is no explanation of what may be done if two sources have different versions of the same program. If both sources are preferred sources, then both versions of the program may be displayed.

Be this as it may, Goldschmidt does not teach "receiving a selection of an entertainment program within the electronic programming guide from a user at the electronic device" and then "selecting one of the multiple versions for display." Goldschmidt, like Wugofski, displays the choices and then receives a selection of one of the choices. The system then tunes to that selection directly.

Accordingly, this rejection is also believed to be traversed.

### 35 U.S.C. §103 Rejection

#### *Wugofski, Goldschmidt in view of Rosser*

The Examiner has rejected claims 6, 8, 20, 23-24 and 26 under 35 U.S.C. §103 (a) as being unpatentable over ("Wugofski") in view of ("Goldschmidt") in further view of Rosser, U.S. Patent No. 6,446,261 ("Rosser"). This rejection relies on the Wugofski, Goldschmidt combination discussed above and is accordingly traversed.

**RECEIVED  
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Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

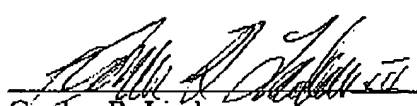
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Respectfully submitted,

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